

Process for Final Preparation and Adoption of the Delta Plan

Summary: Staff requests that the Council review this recommendation and provide direction to the staff about the process for reviewing and approving the final draft of the Delta Plan.

Background

Over the next several months, the Council will undertake the process of reviewing comments and recommendations on the 5th staff Draft Delta Plan and Delta Plan Draft EIR in preparation for completion and adoption of a final Delta Plan. This memo provides the staff's recommendation for this process.

Recommended process for reviewing and approving the Delta Plan's final draft

The staff recommends the review and approval of the Delta Plan's final draft occur in several steps. These begin with reviewing key comments on the fifth staff draft and modifications of Delta Plan policies, recommendations, or supporting text that staff suggests in response to these comments. Suggested Delta Plan changes may also derive from the results of the Delta Plan Draft EIR analysis, including its analysis of Delta Plan alternatives. Through the course of this review, the staff anticipates receiving recommendations and direction from the Council on how to address key comments in the Delta Plan's final draft. The Council's meetings on March 15-16 and March 29-30 are set aside for this review. Additional time for review of comments can be scheduled if needed.

Once this review of comments on the fifth staff draft Delta Plan is complete, the staff will produce a draft final Delta Plan for the Council's review. If the review of comments is completed in March, we hope to revise the plan to incorporate the Council's direction and present a final draft plan in April. To provide time for written public comment on the final draft, it will be presented to the public several weeks prior to the Council meeting when it is scheduled for consideration. Comments on the final draft could also be provided by members of the public in person at Council meetings.

During its late April and May meetings, the staff proposes that the Council review final draft Delta Plan chapter-by-chapter, reaching agreement on the policies, recommendations, and supporting text of each chapter of the final draft. Once the Council has agreed upon the Delta Plan, the staff incorporates the Council's direction into the Delta Plan, and the Final EIR is complete, the Council's vote on the Delta Plan will be scheduled. Staff anticipates that vote to be scheduled for late May or June. That vote will not be to adopt the Delta Plan, but rather will trigger submittal of the Plan's regulatory portions to the Office of Administrative Law (OAL). This is required under California's Administrative Procedure Act (APA).

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The APA procedures involve making the proposed regulatory portions in the Delta Plan (its "Policies" and certain provisions explaining those policies) available for public comment for a prescribed period of time. The Council will subsequently hold a public hearing to consider all relevant matters presented to it before adopting the final Delta Plan. Staff is evaluating all possibilities for integrating the APA process so as to accomplish final Delta Plan adoption as soon as possible.

Contact

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